

## **REMARKS**

In this Preliminary Amendment Applicant has cancelled previously “withdrawn” claims 29-40 (totaling 12 claims including two independent claims (29 and 36)), and Applicant has added new claims 41-52 (totaling 12 claims including two independent claims (43 and 48)). Applicant therefore submits that no additional claims fees are required as the total number of claims originally paid for is unchanged.

Applicant notes that its Pre-Appeal Brief Request for Review has been denied (denial mailed April 12, 2006). Applicant files this RCE within one month of that April 12, 2006 mailing date. Applicant believes that no extension of time fees are required in that Applicant’s Notice of Appeal was filed (mailed on January 31, 2006) within three months of the final Office Action (mailed on November 2, 2005). Should any extension of time fees be required, they may be charged to the deposit account, as indicated on the RCE Transmittal and Fee Transmittal submitted herewith.

Applicant continues to believe that pending claims 1-28 include allowable subject matter. Therefore, in this Preliminary Amendment, Applicant has continued to assert claims 1-28 in their current form.

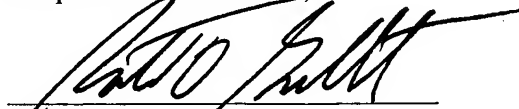
Applicant has added new claims 41 and 42 to provide a more detailed description of the Si seed layer surface described in claims 8 and 22, particularly that it is a “rougher than” a deposited Si seed layer surface. Applicant submits that the prior art teaches nothing with regard to such an Si seed layer surface property, nor does the prior art even teach any seed layer surface other than a deposited seed layer surface.

Applicant has added new claims 43-52 that provide a different description of the Si seed layer surface. Particularly, that it has a crystallographic structure that differs from the crystallographic structure of a body portion of the Si seed layer. Applicant has added further new claims (44 and 49) that describe the crystallographic structure of the Si seed layer surface as

rougher than the crystallographic structure as a body portion of the Si seed layer. Applicant submits that the prior art fails to teach or render obvious such Si seed layer surface limitations.

Applicant requests examination of these new claims.

Respectfully submitted,



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I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313.

May 12, 2006  
(date)



(Signature of Patricia Beilmann)